

| | | | |
|-------------------------------|---------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/094,949 | MERRIMAN ET AL. | |
| | Examiner Ronald Laneau | Art Unit 3627 | |

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 02/07/05.
2. The allowed claim(s) is/are 85-89 now renumbered as 1-15.
3. The drawings filed on 15 June 1998 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Allowable Subject Matter

1. Claims 85-99 are allowed now renumbered as 1-15.
2. The following is an examiner's statement of reasons for allowance in view of the Board of Appeals decision:

None of the references, either singularly or in combination, teaches or even suggests the totality of combined elements as claimed:

As per claims 85-89, a method for advertisement selection comprising: selecting, in response to the request, one of the plurality of direct advertisements for display based on at least in part upon the advertiser feedback.

As per claims 90-94, a computer system for advertisement selection, comprising: the advertisement server further configured to select, in response to the user request, one of the plurality of direct advertisements for delivery from the storage device to the user base at least in part upon the advertiser feedback.

As per claims 95-99, a machine-readable medium storing instructions adapted to be executed by a processor to: select, in response to the request, one of the plurality of direct advertisements for display based on at least in part upon the advertiser feedback.

The closest prior art, Merriman et al (US 20020082923 A1) discloses a computer system for automatic replacement of advertisements including an advertising server for selecting an advertisement based on criteria related to individual viewer. In particular, advertisements are selected for a given user, based on the past behavior of that specific given user and advertiser

Art Unit: 3627

web sites on the network are configured to report back user activity such as visit dates, purchases, specific product pages visited and the like.

The closest prior art, Eldering Charles et al (WO 01/65747 A1), discloses an advertising monitoring and feedback system that is presented in which subscriber selections including channel changes are monitored, and in which information regarding an advertisement is extracted from text related to the advertisement.

The closest prior art, NPL, Youja Kohda, Ubiquitous Advertising on the WWW: Merging Advertisement on the Browser, Computer networks and ISDN Systems, Vol. 28, 1996, pp. 1493-1499 discloses Assessing advertising agents: Advertisements returned from the advertising agent's Web server can have links to other pages which might, for example, be more detailed advertisements or online order forms for the advertised goods or services and 2.1 Making contracts with advertising agents: The advertisements are stored on the agent's Web server. Otherwise they might be kept on the advertiser's Web servers with just the links to them stored in the agent's Web server. Thus, receiving the feedback from the user by following the links, i.e. click-through, and the tracking of order forms received from the advertiser Web site is taught by Kohda, et al.).

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3627

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RL

Ronald Laneau
Examiner
Art Unit 3627

rl

Ronald Laneau 5/9/05
Primary Examiner